

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 18-50484  
1:16-cv-1300 DAE

WHOLE WOMAN'S HEALTH; BROOKSIDE WOMEN'S MEDICAL CENTER, P.A., doing business as Brookside Women's Health Center and Austin Women's Health Center; LENDOL L. DAVIS, M.D.; ALAMO CITY SURGERY CENTER, P.L.L.C., doing business as Alamo Women's Reproductive Services; WHOLE WOMAN'S HEALTH ALLIANCE; DR. BHAVIK KHUMAR,

Plaintiffs - Appellees

v.

CHARLES SMITH, Executive Commissioner of the Texas Health and Human Services Commission, in his official capacity,

Defendant - Appellee

v.

TEXAS CATHOLIC CONFERENCE,

Movant - Appellant

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Appeal from the United States District Court  
for the Western District of Texas

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Before JONES, COSTA, and HO, Circuit Judges.

For reasons to be explained, this court **REVERSES** the order of the district court denying Appellant's motion to quash and compelling discovery of

No. 18-50484

internal communications within the Texas Conference of Catholic Bishops. Opinions to be filed no later than Sunday, July 15.<sup>1</sup>

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<sup>1</sup> Judge Costa dissents, opinion to follow.

***United States Court of Appeals***  
FIFTH CIRCUIT  
OFFICE OF THE CLERK

**LYLE W. CAYCE**  
**CLERK**

**TEL. 504-310-7700**  
**600 S. MAESTRI PLACE**  
**NEW ORLEANS, LA 70130**

July 13, 2018

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 18-50484 Whole Woman's Health, et al v. Charles Smith  
USDC No. 1:16-CV-1300

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: Mary Frances Yeager, Deputy Clerk  
504-310-7686

Mr. Joshua Michael Blackman  
Mr. Daniel Howard Bloomberg  
Mr. Richard Arthur Bordelon  
Mr. David Patrick Brown  
Ms. Jeannette Clack, Clerk  
Mr. Joseph Charles Davis  
Mrs. Molly Rose Duane  
Mr. Joseph Alexander Lawrence  
Mr. Steven Charles Levatino  
Mr. Andrew Fairles MacRae  
Mr. Darren Lee McCarty  
Mr. David Austin Robert Nimocks  
Mr. Daniel Ortner  
Mr. Eric C. Rassbach  
Ms. Caroline Marie Sacerdote  
Ms. Stephanie Toti  
Ms. Diana Verm  
Mr. Scott Weatherford